



MICHAEL C. DELL'ANGELO / EXECUTIVE SHAREHOLDER
d 215.875.3080 m 610.608.8766 | mdellangelo@bm.net

January 24, 2024

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

RE: *Contant, et al. v. Bank of America Corp., et al.*, No. 17-cv-3139

Dear Judge Schofield:

Class Counsel write to provide the Court with an update regarding the status of the distribution of claim checks to Authorized Claimants. The Court's Order dated January 5, 2024 ("Supplemental Distribution Order" (ECF 620)), authorized the payment of corrected Authorized Claims as set forth in the Supplemental Distribution Motion. ECF 611. The corresponding corrected Authorized Claim amounts are at ECF 613-1, filed in support of the Supplemental Distribution Motion.

Class Counsel and the Claims Administrator have worked diligently to ensure that, as estimated, the Claims Administrator will begin distributing checks to Authorized Claimants within three weeks of the entry of the Supplemental Distribution Order, i.e., January 26, 2024. *See* ECF 617 at n. 1 ("The Claims Administrator estimates it will take approximately three weeks from the date on which the Court were to grant the Supplemental Distribution Motion to begin distributing checks to Authorized Claimants."). As a result, the first tranche of claim checks will be mailed today, January 24, 2024. The Claims Administrator anticipates that the final tranche of checks will be mailed to Authorized Claimants shortly thereafter.

The payments to Authorized Claimants will be made consistent with the amounts reflected in ECF 613-1, filed in support of the Supplemental Distribution Motion. These payments reflect smaller reductions to Authorized Claims that were reduced as a result of the corrections in the Supplemental Distribution Motion, as reported in ECF 619, resulting in the payment of slightly higher claim amounts.¹

¹ In ECF 617 and 617-1, Class Counsel attempted to show the before and after amounts when the corrections to the distribution amounts in the Supplemental Distribution Motion were applied to a sample of 15 class members. In ECF 619, Class Counsel attempted to show the amount, if any, by



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Class Counsel will provide the Court with an interim update after the second tranche of checks is distributed.

Respectfully submitted,

/s/ Michael Dell'Angelo
Michael Dell'Angelo

cc: All Counsel of Record via ECF

which the corrections reduced the claim amounts in the sample. Of the 15 claims in the sample, eight were reported as being reduced in the following amounts: “Claim Row 2 (\$1,588.10), 3 (\$936.40), 4 (\$38.70), 8 (\$3.45), 9 (\$1.39), 12 (\$0.64), 14 (\$0.39) and 15 (\$102.05) (‘Reduced Claim Amounts’).” ECF 619, at 2-3. However, the estimated claim amounts in the column “Supplemental Motion Claim Amt. ECF 613-1” in 617-1 varied slightly from the estimated amounts in ECF 613-1. As a result, the amounts by which the Reduced Claim Amounts will be reduced due to the corrections is smaller than reported, as follows: Claim Row 2 (\$1,548.47), 3 (\$913.03), 4 (\$37.74), 8 (\$3.37), 9 (\$1.35), 12 (\$0.62), 14 (\$0.38) and 15 (\$99.50). Thus, the claim amounts that will be paid to those Authorized Claimants, consistent with the amounts in ECF 613-1, is higher by a range of \$0.01 (Claim Row 14) to \$39.63 (Claim Row 2).